decency of the community. It is not permissible or excusable under any circumstances." In *James* v. *State,* 4 Okla. Crim. Rep. 587, it is said that a house or place kept for the purpose of enabling persons to place bets or wagers upon horse races is a common gambling house, and is, therefore, a nuisance *per se.* See also *Jones* v. *State* (Okla.), 132 Pac. 319. In the *Ehrlick* case, *supra,* the court also held that where the thing is *per se* a nuisance, such as a pool room or gambling house, it is no defense that there was no noise or disturbance, nor that the community was not disturbed by its presence. This is supported by authority, *King* v. *People,* 83 N. Y. 587, where it was held that it was not an essential element of the offense of keeping a disorderly or gaming house that the public should be disturbed by the noise.

NUISANCE—ATTRACTIVE NUISANCE—NEITHER COFFER DAM NOR POND IS.—The Supreme Court of Iowa recently handed down two decisions on attractive nuisances. In the one case, a railroad maintained a coffer dam in support of one of the piers of its bridge. A beam extended entirely around the dam, and the plaintiff's intestate (eight years old) was drowned by the water within the dam by losing his balance in an attempt to walk the beam. In the other, the plaintiff's intestate (five years old) was drowned in a pond that was allowed by the railroad to remain undrained on its right of way. In both cases the plaintiff's right to recover was denied. *Massingham* v. *Illinois Central Ry. Co.* (Iowa, 1920), 170 N. W. 832; *Blough* v. *Chicago Great Western R. Co.* (Iowa, 1920), 179 N. W. 840.

The trend of the decisions points to a refusal by the courts to extend the rule of attractive nuisance advanced in the turntable cases. 2 COOLEY, TORTS [Ed. 3], 1272, n. 43. For cases representative of this tendency, see *Ryan* v. *Towan,* 128 Mich. 463 (water wheel); *Sullivan* v. *Boston & Albany R. Co.,* 156 Mass. 378 (charged wire on the roof of a shed); *Rogers* v. *Lees,* 140 Pa. St. 475 (hoisting apparatus); *Loftus* v. *Dehail,* 133 Cal. 214 (open cellar); *O'Connor* v. *Brucker,* 117 Ga. 475 (open door of a vacant house); *Arnold* v. *St. Louis,* 152 Mo. 173 (pond covered with ice). But see *Comer* v. *City of Winston-Salem* (N. C., 1919), 100 S. E. 619, 18 MICH. L. REV. 340, where the city was held liable for failure to maintain a proper railing on its bridge. See also *Ramsay* v. *Tuthill Building Material Co.* (Ill., 1920), 129 N. E. 127, which arose over the death of a child smothered by sand in a bin in which deceased was playing.

NUISANCE—FUNERAL HOME IN A RESIDENTIAL SECTION.—The defendants bought a house in an exclusive residential section and commenced to use it for the purpose of a funeral home in connection with their undertaking establishment, which was situated in another part of the city. They constructed a driveway entirely around the house for the purpose of parking funeral cars and carriages. The nature of the business required that bodies should be allowed to remain there from twenty-four to thirty-six hours. Services were held and funeral processions started from the home. The effect of the establishment was to impair materially the value of the sur-